

1 A bill to be entitled
2 An act relating to independent living
3 transition services; amending s. 409.1451,
4 F.S.; authorizing community-based providers to
5 administer an independent living transition
6 services system; providing that foster care
7 includes the temporary placement through the
8 Department of Juvenile Justice or Department of
9 Corrections; providing legislative intent
10 regarding assistance to older children in
11 foster care; requiring the Department of
12 Children and Family Services to provide certain
13 skills assessment and training to such
14 children; providing guidelines to develop such
15 training; providing certain educational goals;
16 revising provisions governing a young adult's
17 preparation for independent living; requiring
18 the department to conduct an assessment and
19 inform the child of certain scholarships,
20 grants, and awards; providing for the
21 identification of and coordination of
22 assistance to children with developmental
23 disabilities and special mental health needs;
24 providing that such assessment be included in a
25 certain report during judicial review; removing
26 life skills activities guidelines for young
27 adults who were formerly in foster care;
28 revising aftercare services; providing a
29 limitation on the amount of an award; providing
30 additional qualifications to receive the award;
31 providing requirements and options for

1 determining the amount of the award; providing
2 that a young adult who is eligible to receive
3 such award may reside with a foster family or
4 group care provider beyond his or her age of
5 majority; providing a limitation on the number
6 of diplomas, certificates, or the equivalent an
7 award recipient may receive; expanding the
8 services available through the transitional
9 support service to include mental health and
10 disability services; providing a priority for
11 transitional support services for young adults
12 who do not receive a scholarship award;
13 abolishing the independent living services
14 workgroup; creating the Independent Living
15 Services Advisory Council; providing duties and
16 responsibilities; requiring an annual report;
17 providing membership criteria; limiting the
18 department's rulemaking authority; amending s.
19 39.701, F.S.; requiring a judicial review
20 hearing within a certain timeframe for each
21 child in foster care; requiring that the court
22 certify that such child has received certain
23 information; providing that the department may
24 be held in contempt; requiring that information
25 from the preindependent living assessment be
26 provided to the courts; requiring the court to
27 determine the child's preparation for
28 independence; amending s. 1009.25, F.S.;
29 revising requirements specifying the students
30 who are exempt from paying tuition and fees;
31 requiring the Auditor General to perform an

1 audit of the program and submit a report;
 2 directing the Office of Program Policy and
 3 Government Accountability to develop
 4 recommendations for minimum system standards;
 5 requiring that the recommendations be provided
 6 to the department by November 30, 2004;
 7 providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Section 409.1451, Florida Statutes, is
 12 amended to read:

13 409.1451 Independent living transition services.--

14 (1) SYSTEM OF SERVICES.--

15 (a) The Department of Children and Family Services, ~~or~~
 16 its agents, or community-based providers operating pursuant to
 17 s. 409.1671 shall administer a system of independent living
 18 transition services to enable older children in foster care
 19 and young adults who exit foster care at age 18 to make the
 20 transition to self-sufficiency as adults. For the purposes of
 21 this section, foster care includes temporary placement through
 22 the Department of Juvenile Justice or Department of
 23 Corrections, if the child is adjudicated dependent and placed
 24 by the court with the department.

25 (b) The goals of independent living transition
 26 services are to assist older children in foster care and young
 27 adults who were formerly in foster care to obtain life skills
 28 and education for independent living and employment, to have a
 29 quality of life appropriate for their age, and to assume
 30 personal responsibility for becoming self-sufficient adults.

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1 (c) State funds for foster care or federal funds shall
 2 be used to establish a continuum of services for eligible
 3 children in foster care and eligible young adults who were
 4 formerly in foster care which accomplish the goals for the
 5 system of independent living transition services by providing
 6 ~~and provide the service components for~~ services for foster
 7 children, pursuant to ~~as provided in~~ subsection(4)(3), and
 8 services for young adults who were formerly in foster care,
 9 pursuant to ~~as provided in~~ subsection (5).

10 (d) For children in foster care, independent living
 11 transition services are not an alternative to adoption.
 12 Independent living transition services may occur concurrently
 13 with continued efforts to locate and achieve placement in
 14 adoptive families for older children in foster care.

15 (2) ELIGIBILITY.--

16 (a) The department shall serve children who have
 17 reached ~~are~~ 13 years of age but are not yet ~~to~~ 18 years of age
 18 and who are in foster care by providing services pursuant to
 19 ~~through the program component of services for foster children~~
 20 ~~provided in~~ subsection(4)(3). Children to be served must
 21 meet the eligibility requirements set forth for specific
 22 services as provided in this section ~~and through department~~
 23 ~~rule~~.

24 (b) The department shall serve young adults who have
 25 reached ~~are~~ 18 years of age but are not yet ~~to~~ 23 years of age
 26 and who were in foster care when they turned 18 years of age
 27 by providing services pursuant to ~~through the program~~
 28 ~~component of services for young adults who were formerly in~~
 29 ~~foster care in~~ subsection (5). Young adults ~~Children~~ to be
 30 served must meet the eligibility requirements set forth for
 31 specific services in this section ~~and through department~~ rule.

1 (3) PREPARATION FOR INDEPENDENT LIVING.--

2 (a) It is the intent of the Legislature for the
3 Department of Children and Family Services to assist older
4 children in foster care and young adults who exit foster care
5 at age 18 in making the transition to independent living and
6 self-sufficiency as adults. The department shall provide such
7 children and young adults with opportunities to participate in
8 life skills activities in their foster families and
9 communities which are reasonable and appropriate for their
10 respective ages, and shall provide them with services to build
11 the skills and increase their ability to live independently
12 and become self-sufficient. To support the provision of
13 opportunities for participation in age-appropriate life skills
14 activities, the department shall:

15 1. Develop a list of age-appropriate activities and
16 responsibilities to be offered to all children involved in
17 independent living transition services and their foster
18 parents.

19 2. Provide training for staff and foster parents to
20 address the issues of older children in foster care in
21 transitioning to adulthood, which shall include information on
22 supporting education and employment and providing
23 opportunities to participate in appropriate daily activities.

24 3. Develop procedures to maximize the authority of
25 foster parents to approve participation in age-appropriate
26 activities of children in their care.

27 4. Provide opportunities for older children in foster
28 care to interact with mentors.

29 5. Develop and implement procedures for older children
30 to directly access and manage the personal allowance they
31 receive from the department in order to learn responsibility

1 and participate in age-appropriate life skills activities to
2 the extent feasible.

3 (b) It is further the intent of the Legislature that
4 each child in foster care, his or her foster parents, if
5 applicable, and the department or community-based provider set
6 early achievement and career goals for the child's
7 postsecondary educational and work experience. The department
8 and community-based providers shall implement the model set
9 forth in this paragraph to help ensure that children in foster
10 care are ready for postsecondary education and the workplace.

11 1. Children in foster care entering the ninth grade,
12 their foster parents, and the department or community-based
13 provider shall be active participants in choosing a post-high
14 school goal based upon both the abilities and interests of
15 each child. The goal shall accommodate the needs of children
16 served in exceptional education programs to the extent
17 appropriate for each individual. Such children may continue to
18 follow the courses outlined in the district school board
19 student progression plan. Children in foster care, with the
20 assistance of their foster parents, and the department or
21 community-based provider shall choose one of the following
22 postsecondary goals:

23 a. Attending a 4-year college or university, a
24 community college plus university, or a military academy;

25 b. Receiving a 2-year postsecondary degree;

26 c. Attaining a postsecondary career and technical
27 certificate or credential; or

28 d. Beginning immediate employment after completion of
29 a high school diploma or its equivalent, or enlisting in the
30 military.

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1 2. In order to assist the child in foster care in
2 achieving his or her chosen goal, the department or
3 community-based provider shall, with the participation of the
4 child and foster parents, identify:

5 a. The core courses necessary to qualify for a chosen
6 goal.

7 b. Any elective courses which would provide additional
8 help in reaching a chosen goal.

9 c. The grade point requirement and any additional
10 information necessary to achieve a specific goal.

11 d. A teacher, other school staff member, employee of
12 the department or community-based care provider, or community
13 volunteer who would be willing to work with the child as an
14 academic advocate or mentor if foster parent involvement is
15 insufficient or unavailable.

16 3. In order to complement educational goals, the
17 department and community-based providers are encouraged to
18 form partnerships with the business community to support
19 internships, apprenticeships, or other work-related
20 opportunities.

21 4. The department and community-based providers shall
22 ensure that children in foster care and their foster parents
23 are made aware of the postsecondary goals available and shall
24 assist in identifying the coursework necessary to enable the
25 child to reach the chosen goal.

26 (c) All children in foster care and young adults
27 formerly in foster care are encouraged to take part in
28 learning opportunities that result from participation in
29 community service activities.

30 (d) Children in foster care and young adults formerly
31 in foster care shall be provided with the opportunity to

1 change from one postsecondary goal to another, and each
 2 postsecondary goal shall allow for changes in each
 3 individual's needs and preferences. Any change, particularly a
 4 change that will result in additional time required to achieve
 5 a goal, shall be made with the guidance and assistance of the
 6 department or community-based provider.

7 ~~(4)(3) PROGRAM COMPONENT OF SERVICES FOR FOSTER~~
 8 CHILDREN IN FOSTER CARE.--The department shall provide the
 9 following transition to independence services to children in
 10 foster care who meet prescribed conditions and are determined
 11 eligible by the department. The service categories available
 12 to children in foster care which facilitate successful
 13 transition into adulthood are:

14 (a) Preindependent-living services.--

15 1. Preindependent-living services include, but are not
 16 limited to, life skills training, educational field trips, and
 17 conferences. The specific services to be provided to a child
 18 shall be determined using a preindependent-living assessment.

19 2. A child who has reached 13 years of age but is not
 20 yet to 15 years of age who is in foster care is eligible for
 21 such services.

22 3. The department shall conduct an annual staffing for
 23 each child who has reached 13 years of age but is not yet 15
 24 years of age to ensure that the preindependent-living training
 25 and services to be provided as determined by the
 26 preindependent-living assessment are being received and to
 27 evaluate the progress of the child in developing the needed
 28 independent living skills.

29 4. At the first annual staffing that occurs following
 30 a child's 14th birthday, and at each subsequent staffing, the
 31 department shall provide to each child detailed information on

1 services provided by the Road-to-Independence Scholarship
2 Program, including requirements for eligibility; on other
3 grants, scholarships, and waivers that are available and
4 should be sought by the child with assistance from the
5 department, including, but not limited to, the Bright Futures
6 Scholarship Program, as provided in ss. 1009.53-1009.538; on
7 application deadlines; and on grade requirements for such
8 programs.

9 5. Information related to both the
10 preindependent-living assessment and all staffings, which
11 shall be reduced to writing and signed by the child
12 participant, shall be included as a part of the written report
13 required to be provided to the court at each judicial review
14 held pursuant to s. 39.701.

15 (b) Life skills services.--

16 1. Life skills services may include, but are not
17 limited to, independent living skills training, including
18 training to develop banking and budgeting skills, interviewing
19 skills, parenting skills, educational support, employment
20 training, and counseling. Children receiving these services
21 should also be provided with information related to social
22 security insurance benefits and public assistance. The
23 specific services to be provided to a child shall be
24 determined using an independent life skills assessment.

25 2. A child who has reached 15 years of age but is not
26 yet ~~to~~ 18 years of age who is in foster care is eligible for
27 such services.

28 3. The department shall conduct a staffing at least
29 once every 6 months for each child who has reached 15 years of
30 age but is not yet 18 years of age to ensure that the
31 appropriate independent living training and services as

1 determined by the independent life skills assessment are being
2 received and to evaluate the progress of the child in
3 developing the needed independent living skills. At these
4 staffings, the department shall identify children with
5 developmental disabilities and special mental health needs and
6 coordinate with the appropriate agencies to assist these
7 children with their special needs, particularly the
8 Developmental Disabilities Program Office and Mental Health
9 Program Office. The department shall coordinate the child's
10 independent living plan with the school's individual education
11 plan if the child is in a special education program.

12 4. The department shall provide to each child in
13 foster care during the calendar month following the child's
14 17th birthday an independent-living assessment to determine
15 the child's skills and abilities to live independently and
16 become self-sufficient. Based on the results of the
17 independent-living assessment, services and training shall be
18 provided in order for the child to develop the necessary
19 skills and abilities prior to the child's 18th birthday.

20 5. Information related to both the independent life
21 skills assessment and all staffings, which shall be reduced to
22 writing and signed by the child participant, shall be included
23 as a part of the written report required to be provided to the
24 court at each judicial review held pursuant to s. 39.701.

25 (c) Subsidized independent living services.--

26 1. Subsidized independent living services are living
27 arrangements that allow the child to live independently of the
28 daily care and supervision of an adult in a setting that is
29 not required to be licensed under s. 409.175.

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1 2. A child who has reached 16 years of age but is not
2 yet ~~to~~ 18 years of age is eligible for such services if he or
3 she:

4 a. Is adjudicated dependent under chapter 39; has been
5 placed in licensed out-of-home care for at least 6 months
6 prior to entering subsidized independent living; and has a
7 permanency goal of adoption, independent living, or long-term
8 licensed care; and

9 b. Is able to demonstrate independent living skills,
10 as determined by the department, using established procedures
11 and assessments.

12 3. Independent living arrangements established for a
13 child must be part of an overall plan leading to the total
14 independence of the child from the department's supervision.
15 The plan must include, but need not be limited to, a
16 description of the skills of the child and a plan for learning
17 additional identified skills; the behavior that the child has
18 exhibited which indicates an ability to be responsible and a
19 plan for developing additional responsibilities, as
20 appropriate; a plan for future educational, vocational, and
21 training skills; present financial and budgeting capabilities
22 and a plan for improving resources and ability; a description
23 of the proposed residence; documentation that the child
24 understands the specific consequences of his or her conduct in
25 the independent living program; documentation of proposed
26 services to be provided by the department and other agencies,
27 including the type of service and the nature and frequency of
28 contact; and a plan for maintaining or developing
29 relationships with the family, other adults, friends, and the
30 community, as appropriate.

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1 4. Subsidy payments in an amount established by the
2 department may be made directly to a child under the direct
3 supervision of a caseworker or other responsible adult
4 approved by the department.

5 ~~(4) PARTICIPATION IN LIFE SKILLS ACTIVITIES. In order~~
6 ~~to assist older children in foster care, ages 13 to 18 years~~
7 ~~of age, with the transition to independent living as adults,~~
8 ~~the program must provide them with opportunities to~~
9 ~~participate in and learn from life skills activities in their~~
10 ~~foster families and communities which are reasonable and~~
11 ~~appropriate for their age. Such activities may include, but~~
12 ~~are not limited to, managing money earned from a job, taking~~
13 ~~driver's education, and participating in after school or~~
14 ~~extracurricular activities. To support these opportunities for~~
15 ~~participation in age appropriate life skills activities, the~~
16 ~~department may:~~

17 ~~(a) Develop, with children in the program and their~~
18 ~~foster parents, a list of age appropriate activities and~~
19 ~~responsibilities to be presented to all children involved in~~
20 ~~independent living transition services and their foster~~
21 ~~parents.~~

22 ~~(b) Provide training for staff and foster parents~~
23 ~~which addresses issues of older children in foster care and~~
24 ~~the transition to adulthood, including supporting education~~
25 ~~and employment and providing opportunities to participate in~~
26 ~~appropriate daily activities.~~

27 ~~(c) Develop procedures to maximize the authority of~~
28 ~~foster parents to approve participation in age appropriate~~
29 ~~activities of children in their care.~~

30 ~~(d) Provide opportunities for older children in foster~~
31 ~~care to interact with mentors.~~

1 ~~(c) Develop and implement procedures for older~~
2 ~~children to directly access and manage the personal allowance~~
3 ~~they receive from the department in order to learn~~
4 ~~responsibility and participate in age appropriate life skills~~
5 ~~activities to the extent feasible.~~

6 (5) ~~PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS~~
7 FORMERLY IN FOSTER CARE.--Based on the availability of funds,
8 the department shall provide or arrange for the following
9 services to young adults formerly in foster care who meet the
10 prescribed conditions and are determined eligible by the
11 department. The categories of services available to assist a
12 young adult formerly in foster care to achieve independence
13 are:

14 (a) Aftercare support services.--

15 1. Aftercare support services are available to assist
16 young adults who were formerly in foster care in their efforts
17 to continue to develop the skills and abilities necessary for
18 independent living. The aftercare support services available
19 include, but are not limited to, the following referrals to
20 resources in the community for:

21 a. Mentoring and tutoring.

22 b. Mental health services and substance abuse
23 counseling.

24 c. Life skills classes, including credit management
25 and preventive health activities.

26 d. Parenting classes.

27 e. Job skills training.

28 f. Counselor consultations.

29 g. Temporary financial assistance.
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1 The specific services to be provided under this subparagraph
 2 shall be determined by an aftercare services assessment and
 3 may be provided by the department or through referrals in the
 4 community. Temporary assistance ~~may be~~ provided to prevent
 5 homelessness shall be provided as expeditiously as possible
 6 and within the limitations defined by the department.

7 2. A young adult who has reached 18 years of age but
 8 is not yet ~~to~~ 23 years of age who leaves foster care at 18
 9 years of age but who requests services prior to reaching 23
 10 years of age is eligible for such services.

11 (b) Road-to-Independence Scholarship Program.--

12 1. The Road-to-Independence Scholarship Program is
 13 intended to help eligible students who are former foster
 14 children in this state to receive the educational and
 15 vocational training needed to achieve independence. The amount
 16 of the award shall be based on the living and educational
 17 needs of the young adult and may be up to, but shall not
 18 exceed equal the amount of earnings that the student would
 19 have been eligible to earn working a 40-hour-a-week federal
 20 minimum wage job, ~~after considering other grants and~~
 21 ~~scholarships that are in excess of the educational~~
 22 ~~institutions' fees and costs, and contingent upon available~~
 23 ~~funds. Students eligible for the Road to Independence~~
 24 ~~Scholarship Program may also be eligible for educational fee~~
 25 ~~waivers for workforce development postsecondary programs,~~
 26 ~~community colleges, and universities, pursuant to s.~~
 27 ~~1009.25(2)(c).~~

28 2. A young adult who has reached 18 years of age but
 29 is not yet ~~to~~ 21 years of age is eligible for the initial
 30 award, and a young adult under 23 years of age is eligible for
 31 renewal awards, except that a young adult with a developmental

1 disability as defined in s. 393.063, who is under the age of
2 23 years of age is eligible for the initial award or renewal
3 awards, if he or she:

4 a. Was ~~is~~ a dependent child, pursuant to chapter 39,
5 and was ~~is~~ living in licensed foster care or in subsidized
6 independent living at the time of his or her 18th birthday;

7 b. ~~Has~~ Spent at least 6 months living in foster care
8 before reaching his or her 18th birthday;

9 c. Is a resident of this state as defined in s.
10 1009.40; and

11 d. Meets one of the following qualifications:

12 (I) Has earned a standard high school diploma or its
13 equivalent as described in s. 1003.43 or s. 1003.435, or has
14 earned a special diploma or special certificate of completion
15 as described in s. 1003.438, and has been admitted for
16 full-time enrollment in an eligible postsecondary education
17 institution as defined in s. 1009.533;

18 (II) Is enrolled full time in an accredited high
19 school, ~~is within 2 years of graduation, and has maintained a~~
20 ~~grade point average of at least 2.0 on a scale of 4.0 for the~~
21 ~~two semesters preceding the date of his or her 18th birthday;~~
22 or

23 (III) Is enrolled full time in an accredited adult
24 education program designed to provide the student with a high
25 school diploma or its equivalent, ~~is making satisfactory~~
26 ~~progress in that program as certified by the program, and is~~
27 ~~within 2 years of graduation.~~

28 3. A young adult applying for a Road-to-Independence
29 Scholarship must apply for any other grants and scholarships
30 for which he or she may qualify. The department shall assist
31 the young adult in the application process and may use the

1 federal financial aid grant process to determine the funding
2 needs of the young adult.

3 4. The amount of the award, whether it is being used
4 by a young adult working towards completion of a high school
5 diploma or its equivalent or working towards completion of a
6 postsecondary education program, shall be determined based on
7 an assessment of the funding needs of the young adult. This
8 assessment shall consider the young adult's living and
9 educational costs and other grants, scholarships, waivers,
10 earnings, and other income to be received by the young adult.
11 An award shall be available only to the extent that other
12 grants and scholarships are not sufficient to meet the living
13 and educational needs of the young adult, but an award shall
14 not be less than \$25 in order to maintain Medicaid eligibility
15 for the young adult as provided in s. 409.903. For those young
16 adults who are attending high school or another education
17 program for which the financial aid grant process could not be
18 applied for the purpose of determining funding needs of the
19 young adult, the department may issue a base award of \$654 and
20 consider the young adult's living and educational needs in
21 issuing a higher award amount.

22 5.3-a. The department must advertise the availability
23 of the program and must ensure that the children and young
24 adults leaving foster care, foster parents, or family services
25 counselors are informed of the availability of the program and
26 the application procedures.

27 b. A young adult must apply for the initial award
28 during the 6 months immediately preceding his or her 18th
29 birthday and the department shall provide assistance with the
30 application process. A young adult who fails to make an
31 initial application, but who otherwise meets the criteria for

1 an initial award, may make one application for the initial
2 award if such application is made before the young adult's
3 21st birthday. If the young adult does not apply for an
4 initial award before his or her 18th birthday, the department
5 shall inform that young adult of the opportunity to apply
6 before turning 21 years of age.

7 c. If funding for the program is available, the
8 department shall issue awards from the scholarship program for
9 each young adult who meets all the requirements of the
10 program.

11 d. If funding for the program is not available, the
12 department may temporarily cease issuing new awards until
13 funds are available.

14 ~~e.d.~~ An award shall be issued at the time the eligible
15 student reaches 18 years of age.

16 f. A young adult who is eligible for the
17 Road-to-Independence Program and who so desires shall be
18 allowed to reside in the licensed foster family or group care
19 provider with whom he or she was residing at the time of
20 attaining his or her 18th birthday or in another foster home
21 placement that is arranged by the department.

22 ~~g.e.~~ If the award recipient transfers from one
23 eligible institution to another and continues to meet
24 eligibility requirements, the award must be transferred with
25 the recipient.

26 ~~h.f.~~ Scholarship funds awarded to any eligible young
27 adult under this program are in addition to any other services
28 provided to the young adult by the department through its
29 independent living transition services.

30 ~~i.g.~~ The department shall provide information
31 concerning young adults receiving the Road-to-Independence

1 Scholarship to the Department of Education for inclusion in
2 the student financial assistance database, as provided in s.
3 1009.94.

4 ~~j.h.~~ Scholarship funds are intended to help eligible
5 students who are former foster children in this state to
6 receive the educational and vocational training needed to
7 become independent and self-supporting. Such funds shall be
8 terminated when the young adult has attained one of four
9 postsecondary goals pursuant to subsection (3) a bachelor of
10 arts or bachelor of science degree, or equivalent
11 undergraduate degree, or reaches 23 years of age, whichever
12 occurs earlier. In order to initiate postsecondary education,
13 to allow for a change in career goal, or to obtain additional
14 skills in the same educational or vocational area, a young
15 adult may earn no more than two diplomas, certificates, or
16 credentials. A young adult attaining an associate of arts or
17 associate of science degree shall be permitted to work towards
18 completion of a bachelor of arts or a bachelor of science
19 degree or an equivalent undergraduate degree.
20 Road-to-Independence Scholarship funds shall not be used for
21 education or training after a young adult has attained a
22 bachelor of arts or a bachelor of science degree or an
23 equivalent undergraduate degree.

24 ~~k.i.~~ The department shall evaluate and renew each
25 award annually during the 90-day period before the young
26 adult's birthday. In order to be eligible for a renewal award
27 for the subsequent year, the young adult must:

28 (I) Complete the number of at least 12 semester hours,
29 or the equivalent considered full time by the educational
30 institution, in the last academic year in which the young
31

1 adult earned a scholarship, except for a young adult who meets
2 the requirements of s. 1009.41.

3 (II) Maintain appropriate progress as required by the
4 educational institution ~~the cumulative grade point average~~
5 ~~required by the scholarship program~~, except that, if the young
6 adult's progress is ~~grades are~~ insufficient to renew the
7 scholarship at any time during the eligibility period, the
8 young adult may restore eligibility by improving his or her
9 progress ~~the grade point average~~ to the required level.

10 ~~l.j.~~ Scholarship funds may be terminated during the
11 interim between an award and the evaluation for a renewal
12 award if the department determines that the award recipient is
13 no longer enrolled in an educational institution as defined in
14 sub-subparagraph 2.d., or is no longer a state resident. The
15 department shall notify a student who is terminated and inform
16 the student of his or her right to appeal.

17 ~~m.k.~~ An award recipient who does not qualify for a
18 renewal award or who chooses not to renew the award may
19 subsequently apply for reinstatement. An application for
20 reinstatement must be made before the young adult reaches 23
21 years of age, and a student may not apply for reinstatement
22 more than once. In order to be eligible for reinstatement, the
23 young adult must meet the eligibility criteria and the
24 criteria for award renewal for the scholarship program.

25 ~~1. A young adult receiving continued services of the~~
26 ~~foster care program under former s. 409.145(3) must transfer~~
27 ~~to the scholarship program by July 1, 2003.~~

28 (c) Transitional support services.--

29 1. In addition to any services provided through after
30 care support or the Road-to-Independence Scholarship, a young
31 adult formerly in foster care, may receive other appropriate

1 short-term services, which may include financial, housing,
2 counseling, employment, education, mental health, disability,
3 and other services, if the young adult demonstrates that the
4 services are critical to the young adult's own efforts to
5 achieve self-sufficiency and to develop a personal support
6 system.

7 2. A young adult formerly in foster care is eligible
8 to apply for transitional support services if he or she has
9 reached ~~is~~ 18 years of age but is not yet to 23 years of age,
10 was a dependent child pursuant to chapter 39, was living in
11 licensed foster care or in subsidized independent living at
12 the time of his or her 18th birthday, and had spent at least 6
13 months living in foster care before that date. Young adults
14 not receiving a Road-to-Independence Scholarship shall have
15 priority for financial assistance provided through
16 transitional support services.

17 3. If at any time the services are no longer critical
18 to the young adult's own efforts to achieve self-sufficiency
19 and to develop a personal support system, they shall be
20 terminated.

21 (d) Payment of aftercare, scholarship, or transitional
22 support funds.--Payment of aftercare, scholarship, or
23 transitional support funds shall be made directly to the
24 recipient unless the recipient requests that the payments or a
25 portion of the payments be made directly to a licensed foster
26 family or group care provider ~~with whom the recipient was~~
27 ~~residing at the time of attaining the 18th birthday and with~~
28 ~~whom the recipient desires to continue to reside. If a young~~
29 ~~adult and the former foster parent agree that the young adult~~
30 ~~shall continue to live in the foster home while receiving~~
31 ~~aftercare, scholarship, or transitional support funds, the~~

1 ~~caregiver shall establish written expectations for the young~~
2 ~~adult's behavior and responsibilities.~~ The young adult who
3 resides ~~continues~~ with a foster family shall not be included
4 as a child in calculating any licensing restriction on the
5 number of children in the foster home.

6 (e) Appeals process.--

7 1. The Department of Children and Family Services
8 shall adopt by rule a procedure by which a young adult may
9 appeal an eligibility determination or the department's
10 failure to provide aftercare, scholarship, or transitional
11 support services, or the termination of such services, if such
12 funds are available.

13 2. The procedure developed by the department must be
14 readily available to young adults, must provide timely
15 decisions, and must provide for an appeal to the Secretary of
16 Children and Family Services. The decision of the secretary
17 constitutes final agency action and is reviewable by the court
18 as provided in s. 120.68.

19 (6) ACCOUNTABILITY.--The department shall develop
20 outcome measures for the program and other performance
21 measures.

22 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL
23 ~~WORKGROUP~~.--The Secretary of Children and Family Services
24 shall establish the Independent Living Services Advisory
25 Council for the purpose of reviewing and making
26 recommendations concerning the implementation and operation of
27 the independent living transition services. This advisory
28 council shall continue to function as specified in this
29 subsection until the Legislature determines that the advisory
30 council can no longer provide a valuable contribution to the
31

1 department's efforts to achieve the goals of the independent
2 living transition services.

3 (a) Specifically, the advisory council ~~workgroup,~~
4 ~~which, at a minimum, shall include representatives from the~~
5 ~~Department of Children and Family Services, the Agency for~~
6 ~~Workforce Innovation, the Department of Education, the Agency~~
7 ~~for Health Care Administration, the State Youth Advisory~~
8 ~~Board, Workforce Florida, Inc., and foster parents. The~~
9 ~~workgroup~~ shall assess the implementation and operation of the
10 system of independent living transition services and advise
11 the department on actions that would improve the ability of
12 the independent living transition services to meet the
13 established goals. The advisory council ~~workgroup~~ shall keep
14 the department informed of problems being experienced with the
15 services, barriers to the effective and efficient integration
16 of services and support across systems, and successes that the
17 system of independent living transition services has achieved.
18 The department shall consider, but is not required to
19 implement, the recommendations of the advisory council
20 ~~workgroup~~.

21 (b) For the 2002-2003 and 2003-2004 fiscal years, The
22 advisory council ~~workgroup~~ shall report to the appropriate
23 substantive committees of the Senate and the House of
24 Representatives on the status of the implementation of the
25 system of independent living transition services; efforts to
26 publicize the availability of aftercare support services, the
27 Road-to-Independence Scholarship Program, and transitional
28 support services; specific barriers to financial aid created
29 by the scholarship and possible solutions; the success of the
30 services; problems identified; recommendations for department
31 or legislative action; and the department's implementation of

1 the recommendations contained in the Independent Living
2 Services Integration Workgroup Report submitted to the Senate
3 and the House substantive committees December 31, 2002. This
4 advisory council ~~workgroup~~ report shall ~~is to~~ be submitted by
5 December 31 of each year that the council is in existence
6 ~~December 31, 2003, and December 31, 2004,~~ and shall be
7 accompanied by a report from the department which identifies
8 the recommendations of the advisory council ~~workgroup~~ and
9 either describes the department's actions to implement these
10 recommendations or provides the department's rationale for not
11 implementing the recommendations.

12 (c) Members of the advisory council shall be appointed
13 by the secretary of the department. The membership of the
14 advisory council must include, at a minimum, representatives
15 from the headquarters and district offices of the Department
16 of Children and Family Services, community-based care lead
17 agencies, the Agency for Workforce Innovation, the Department
18 of Education, the Agency for Health Care Administration, the
19 State Youth Advisory Board, Workforce Florida, Inc., the
20 Statewide Guardian Ad Litem Office, foster parents, and
21 advocates for foster children. The secretary shall determine
22 the length of the term to be served by each member appointed
23 to the advisory council, which may not exceed 4 years.

24 (8) PERSONAL PROPERTY.--Property acquired on behalf of
25 clients of this program shall become the personal property of
26 the clients and is not subject to the requirements of chapter
27 273 relating to state-owned tangible personal property. Such
28 property continues to be subject to applicable federal laws.

29 (9) RULEMAKING.--The department shall adopt by rule
30 procedures to administer this section, including balancing
31 ~~provision for the proportional reduction of scholarship awards~~

1 ~~when adequate funds are not available for all applicants.~~
2 ~~These rules shall balance~~ the goals of normalcy and safety for
3 the youth and providing ~~provide~~ the caregivers with as much
4 flexibility as possible to enable the youth to participate in
5 normal life experiences. The department shall not adopt rules
6 relating to reductions in scholarships awards. ~~The department~~
7 ~~shall engage in appropriate planning to prevent, to the extent~~
8 ~~possible, a reduction in scholarship awards after issuance.~~

9 Section 2. Subsections (6) through (8) of section
10 39.701, Florida Statutes, are renumbered as subsections (7)
11 through (9), respectively, present subsections (6) and (7) are
12 amended, and a new subsection (6) is added to that section, to
13 read:

14 39.701 Judicial review.--

15 (6)(a) In addition to the provisions of s.
16 39.701(1)(a) and (2)(a), the court shall hold a judicial
17 review hearing within 90 days after a child's 17th birthday
18 and shall continue to hold timely judicial review hearings. In
19 addition, the court may review the status of the child more
20 frequently during the year prior to the child's 18th birthday
21 if necessary. At each review held pursuant to this subsection,
22 in addition to any information or report provided to the
23 court, the foster parent, legal custodian, guardian ad litem,
24 and the child shall be given the opportunity to address the
25 court with any information relevant to the child's best
26 interests, particularly as it relates to the provision of
27 independent living transition services. In addition to any
28 information or report provided to the court, the department
29 shall include in its judicial review social study report
30 written verification that the child:

31 1. Has been provided with a current Medicaid card.

1 2. Has been provided with a certified copy of his or
2 her birth certificate and, if the child does not have a valid
3 driver's license, a Florida identification card issued
4 pursuant to s. 322.051.

5 3. Has been provided information relating to Social
6 Security Insurance benefits if the child is eligible for such
7 benefits. If the child has received these benefits and they
8 are being held in trust for the child, a full accounting of
9 those funds shall be provided and the child must be informed
10 about how to access those funds.

11 4. Has been provided with information and training
12 related to budgeting skills, interviewing skills, and
13 parenting skills.

14 5. Has been provided with all relevant information
15 related to the Road-to-Independence Scholarship, including,
16 but not limited to, eligibility requirements, forms necessary
17 to apply, and assistance in completing the forms.

18 6. Has an open bank account, or has identification
19 necessary to open such an account, and has been provided with
20 essential banking skills.

21 7. Has been provided with information on public
22 assistance and how to apply.

23 8. Has been provided a clear understanding of where he
24 or she will be living on his or her 18th birthday, how living
25 expenses will be paid, and what educational program or school
26 he or she will be enrolled in.

27 (b) At the first judicial review hearing held
28 subsequent to the child's 17th birthday, in addition to the
29 requirements of subsection (7), the department shall provide
30 the court with an updated case plan that includes specific
31 information related to independent living services that have

1 been provided since the child's 13th birthday, or since the
2 date the child came into foster care, whichever came later.

3 (c) At the time of a judicial review hearing held
4 pursuant to this subsection, if, in the opinion of the court,
5 the department has not complied with its obligations as
6 specified in the written case plan or in the provision of
7 independent living services as required by s. 409.1451 and
8 this subsection, the court shall issue a show cause order. If
9 cause is shown for failure to comply, the court shall give the
10 department 30 days within which to comply and, on failure to
11 comply with this or any subsequent order, the department may
12 be held in contempt.

13 (7)(6)(a) Prior to every judicial review hearing or
14 citizen review panel hearing, the social service agency shall
15 make an investigation and social study concerning all
16 pertinent details relating to the child and shall furnish to
17 the court or citizen review panel a written report that
18 includes, but is not limited to:

19 1. A description of the type of placement the child is
20 in at the time of the hearing, including the safety of the
21 child and the continuing necessity for and appropriateness of
22 the placement.

23 2. Documentation of the diligent efforts made by all
24 parties to the case plan to comply with each applicable
25 provision of the plan.

26 3. The amount of fees assessed and collected during
27 the period of time being reported.

28 4. The services provided to the foster family or legal
29 custodian in an effort to address the needs of the child as
30 indicated in the case plan.

31 5. A statement that either:

1 a. The parent, though able to do so, did not comply
2 substantially with the provisions of the case plan, and the
3 agency recommendations;

4 b. The parent did substantially comply with the
5 provisions of the case plan; or

6 c. The parent has partially complied with the
7 provisions of the case plan, with a summary of additional
8 progress needed and the agency recommendations.

9 6. A statement from the foster parent or legal
10 custodian providing any material evidence concerning the
11 return of the child to the parent or parents.

12 7. A statement concerning the frequency, duration, and
13 results of the parent-child visitation, if any, and the agency
14 recommendations for an expansion or restriction of future
15 visitation.

16 8. The number of times a child has been removed from
17 his or her home and placed elsewhere, the number and types of
18 placements that have occurred, and the reason for the changes
19 in placement.

20 9. The number of times a child's educational placement
21 has been changed, the number and types of educational
22 placements which have occurred, and the reason for any change
23 in placement.

24 10. If the child has reached 13 years of age but is
25 not yet 18 years of age, the results of the
26 preindependent-living, life-skills, or independent-living
27 assessment, the specific services needed, and the status of
28 the delivery of the identified services.

29 ~~11.10.~~ Copies of all medical, psychological, and
30 educational records that support the terms of the case plan
31

1 and that have been produced concerning the child, parents, or
2 any caregiver since the last judicial review hearing.

3 (b) A copy of the social service agency's written
4 report and the written report of the guardian ad litem must be
5 served on all parties whose whereabouts are known; to the
6 foster parents or legal custodians; and to the citizen review
7 panel, at least 72 hours before the judicial review hearing or
8 citizen review panel hearing. The requirement for providing
9 parents with a copy of the written report does not apply to
10 those parents who have voluntarily surrendered their child for
11 adoption or who have had their parental rights to the child
12 terminated.

13 (c) In a case in which the child has been permanently
14 placed with the social service agency, the agency shall
15 furnish to the court a written report concerning the progress
16 being made to place the child for adoption. If the child
17 cannot be placed for adoption, a report on the progress made
18 by the child towards alternative permanency goals or
19 placements, including, but not limited to, guardianship,
20 long-term custody, long-term licensed custody, or independent
21 living, must be submitted to the court. The report must be
22 submitted to the court at least 72 hours before each scheduled
23 judicial review.

24 (d) In addition to or in lieu of any written statement
25 provided to the court, the foster parent or legal custodian,
26 or any preadoptive parent, shall be given the opportunity to
27 address the court with any information relevant to the best
28 interests of the child at any judicial review hearing.

29 (8)~~(7)~~ The court and any citizen review panel shall
30 take into consideration the information contained in the
31 social services study and investigation and all medical,

1 psychological, and educational records that support the terms
2 of the case plan; testimony by the social services agency, the
3 parent, the foster parent or legal custodian, the guardian ad
4 litem if one has been appointed for the child, and any other
5 person deemed appropriate; and any relevant and material
6 evidence submitted to the court, including written and oral
7 reports to the extent of their probative value. These reports
8 and evidence may be received by the court in its effort to
9 determine the action to be taken with regard to the child and
10 may be relied upon to the extent of their probative value,
11 even though not competent in an adjudicatory hearing. In its
12 deliberations, the court and any citizen review panel shall
13 seek to determine:

14 (j) For a child who has reached 13 years of age but is
15 not yet 18 years of age, the adequacy of the child's
16 preparation for adulthood and independent living.

17 Section 3. Paragraph (c) of subsection (2) of section
18 1009.25, Florida Statutes, is amended to read:

19 1009.25 Fee exemptions.--

20 (2) The following students are exempt from the payment
21 of tuition and fees, including lab fees, at a school district
22 that provides postsecondary career and technical programs,
23 community college, or state university:

24 (c) A student ~~who to whom~~ the state has determined is
25 eligible for the ~~awarded a~~ Road-to-Independence Scholarship,
26 regardless of whether an award is issued or not, or a student
27 who is or was at the time he or she reached 18 years of age in
28 the custody of a relative under s. 39.5085, or who is adopted
29 from the Department of Children and Family Services after May
30 5, 1997. Such exemption includes fees associated with
31 enrollment in vocational-preparatory instruction and

1 completion of the college-level communication and computation
2 skills testing program. Such an exemption is available to any
3 student who was in the custody of a relative under s. 39.5085
4 at the time he or she reached 18 years of age or was adopted
5 from the Department of Children and Family Services after May
6 5, 1997; however, the exemption remains valid for no more than
7 4 years after the date of graduation from high school.

8 Section 4. Pursuant to section 11.45(2), Florida
9 Statutes, the Auditor General shall perform both an
10 operational audit and a performance audit, as defined in
11 section 11.45(1), Florida Statutes, of the independent living
12 transition services program within the Department of Children
13 and Family Services and shall submit a report to the Governor,
14 the President of the Senate, the Speaker of the House of
15 Representatives, the Secretary of Children and Family
16 Services, and the appropriate substantive committees of the
17 Senate and the House of Representatives no later than February
18 28, 2005.

19 Section 5. The Office of Program Policy and Government
20 Accountability shall develop recommendations for the minimum
21 system standards for the independent living transition
22 services system required in section 409.1451(6), Florida
23 Statutes. These recommendations shall be developed with advice
24 from the key stakeholders in the independent living transition
25 service system, including, but not limited to, independent
26 living services staff of the Department of Children and Family
27 Services and community-based care lead agencies,
28 representatives of the State Youth Advisory Board, other youth
29 and young adults who are or have been in the foster care
30 system, foster parents, and representatives from other state
31 agencies, and community service providers who are involved in

1 servng this population. These recommendations shall be
2 provided to the Department of Children and Family Services on
3 or before November 30, 2004.

4 Section 6. This act shall take effect upon becoming a
5 law.

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